



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,417	06/23/2003	Dean M. Walker	WALK01USU1	9600
27479	7590	03/03/2006	EXAMINER	
COCHRAN FREUND & YOUNG LLC 2026 CARIBOU DR SUITE 200 FORT COLLINS, CO 80525			PETRAVICK, MEREDITH C	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Interview Summary

Application No.

10/602,417

Applicant(s)

WALKER, DEAN M.

Examiner

Meredith C. Petravick

Art Unit

3671

All participants (applicant, applicant's representative, PTO personnel):

(1) Meredith C. Petravick.

(3) \_\_\_\_\_.

(2) William Cochran.

(4) \_\_\_\_\_.

Date of Interview: 01 March 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: Draft claim 4.


Identification of prior art discussed: Smith 3,154,903.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant submitted attached proposed claim 4. The examiner reviewed the proposed claim to see if it would overcome the rejection in the last office action. The examiner stated that it would but did not state whether the claim was allowable or not. The examiner also pointed out that the claims were misnumbered and should be renumbered starting with 4 in the next submission.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
Meredith Petravick  
Primary Examiner

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

##### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**COCHRAN FREUND & YOUNG LLC**

An Intellectual Property Law Firm

INTERVIEW  
DRAFT

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Fax Transmission | Date: 2/28/06

To: Examiner Petravick

From: Bill Cochran

Company:

Our Ref.:

Your Ref:

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Fax No.: 571-273-6995

Phone No.: (970) 492-1100

Phone No.:

Total Pages: 3 (Inc. cover sheet)

If Int'l:

Return Fax To:

Confirmation Via Mail:

Message: Examiner Petravick -

I have attached proposed claims that I think are patentable over the prior art of record. If you agree, I will file an RCE. Please advise.

Best Regards,  
Bill Cochran

This transmission contains information that is confidential and/or legally privileged. It is intended for use only by the person to whom it is directed. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us.

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INTERVIEW  
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This listing of claims replaces all prior versions, and listings of claims in the application:

### LISTING OF THE CLAIMS

1. (cancelled without prejudice)
2. (currently amended) A self propelled walk behind mower comprising:
  - a tractor unit having a forward end and a rearward end that define a lengthwise direction;
    - an engine mounted on said tractor unit;
    - hydrostatic drives mounted to said tractor unit that are driven by said engine;
    - drive wheels coupled to said hydrostatic drives at said forward end of said tractor unit;
    - a third wheel pivotally attached to said rearward end of said tractor unit that allows said tractor unit to stand upright with respect to a plane defined by said drive wheels and said third wheel when no implements are attached to said tractor unit and ~~allows said tractor unit to make substantially zero radius turns;~~
    - handles attached to said tractor unit that extend rearwardly in said lengthwise direction, and that have controls that allow a user to control said tractor unit;
    - deck attachment arms that extend in a forward direction from said forward end of said tractor unit and that pivot at said forward end of said tractor unit in a direction that is ~~transverse to both said plane defined by said drive wheels and said third wheel and said lengthwise direction;~~
    - a hinging pivot attached to said forward end of said tractor unit and to said deck attachment arms that allow said deck attachment arms to pivot about an axis that is transverse to said lengthwise direction;
    - a mowing deck having a forward end and a rearward end, and at least two front wheels mounted on said forward end of said mowing deck, said mowing deck having receivers disposed at said rearward end that detachably engage said deck attachment arms so that said mowing deck pivots with respect to said tractor unit in ~~a~~ about said transverse axis direction that is transverse to both said plane defined by said drive wheels and said third wheel and said lengthwise direction, which allows said mowing deck to follow

Docket: WALK.01USU1

~~elevational changes as said self propelled walk behind mower traverses terrain having slopes that change with respect to both said plane and said lengthwise direction such that said handles maintain a substantially constant elevational position with respect to said user in said plane so that said user can operate controls of said self propelled walk behind mower without substantial elevational movement of said handles in said plane while said self propelled walk behind mower traverses said slopes that change with respect to both said plane and said lengthwise direction.~~

3. (cancelled)

4. (currently amended) The self propelled walk behind mower of claim-3 2 further comprising:

a suspension that detachably connects said mowing deck to said tractor unit and supports said rearward end of said mowing deck.